

SENATE BILL

No. 731

Introduced by Senators Torlakson, Ashburn, Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Maldonado, Margett, Murray, Runner, and Soto

February 22, 2005

~~An act to amend Section 1658 of the Vehicle Code, relating to vehicles.~~ *An act to amend Section 66536.1 of the Government Code, to amend Section 21706 of the Public Utilities Code, to amend Section 140.3 of the Streets and Highways Code, and to amend Section 4601 of the Vehicle Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 731, as amended, Torlakson. ~~Department of Motor Vehicles Transportation.~~

(1) Existing law, the Metropolitan Transportation Act, creates the Metropolitan Transportation Commission as a regional agency to provide comprehensive regional transportation planning for the San Francisco Bay Area counties. Under existing law, the Legislature has made findings that the commission has agreed to create a joint policy committee with the Association of Bay Area Governments, and specifies that the membership of the joint committee include at least one representative from each of the 9 regional counties.

This bill would require the joint committee to include one representative appointed by the Secretary of the Business, Transportation and Housing Agency.

(2) Existing law requires applications for funding from the Aeronautics Account in the State Transportation Fund to be processed in accordance with the procedures adopted by the California Transportation Commission for processing applications by local

entities for projects included in the state transportation improvement program.

This bill would revise the process used by the commission for funding projects from the Aeronautics Account.

(3) Existing establishes the Equipment Service Fund in the State Treasury and continuously appropriates all money in the fund to the Department of Transportation to pay for mobile equipment services. Existing law provides that if the unencumbered balance remaining in the fund at the end of any fiscal year is more than 25% of the total annual appropriation made to the fund under the most recent Budget Act, the unencumbered balance is required to be refunded to programs that were assessed mobile equipment service charges during that fiscal year, as specified.

This bill would instead provide that if the balance remaining in the fund at the end of any fiscal year exceeds the amount allowable for billed central services under the Federal Office of Management and Budget Circular A-87, the balance is required to be refunded to those programs assessed mobile equipment service charges during that fiscal year.

(4) Existing law authorizes the Department of Motor Vehicles to accept registration fees not more than 60 days prior to the expiration of the current registration or certification for a vehicle.

This bill would instead authorize the department to accept those registration fees not more than 75 days prior to the expiration of the current registration or certification for a vehicle.

~~Existing law authorizes the Department of Motor Vehicles to pay membership fees, join, and participate in affairs of certain described vehicle-related associations.~~

~~This bill would make a technical, conforming change in that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 1658 of the Vehicle Code is amended to~~
- 2 ~~read:~~
- 3 SECTION 1. Section 66536.1 of the Government Code is
- 4 amended to read:

1 66536.1. (a) The joint policy committee shall prepare a
2 report analyzing the feasibility of consolidating functions
3 separately performed by ABAG and MTC. The report shall be
4 reviewed and approved by MTC and the ABAG executive board
5 and submitted to the Legislature by January 1, 2006.

6 (b) The combined membership of the joint policy committee
7 shall include at least one representative from each of the nine
8 regional counties: Alameda, Contra Costa, Marin, Napa,
9 Sonoma, San Mateo, San Francisco, Santa Clara, and Solano.
10 *The joint policy committee shall also include one representative*
11 *appointed by the Secretary of the Business, Transportation and*
12 *Housing Agency.*

13 (c) The joint policy committee shall coordinate the
14 development and drafting of major planning documents prepared
15 by ABAG, MTC, and the Bay Area Air Quality Management
16 District, including reviewing and commenting on major interim
17 work products and the final draft comments prior to action by
18 ABAG, MTC, and the Bay Area Air Quality Management
19 District. These documents include, but are not limited to, the
20 following:

21 (1) Beginning with the next plan update scheduled to be
22 adopted in 2008, the regional transportation plan prepared by
23 MTC and described in Section 66508 of the Government Code.

24 (2) The ABAG Housing Element planning process for regional
25 housing needs pursuant to Article 10.6 (commencing with
26 Section 65580) of Chapter 3 of Division 1 of Title 7.

27 (3) The Bay Area Air Quality Management District's Ozone
28 Attainment Plan and Clean Air Plan.

29 *SEC. 2. Section 21706 of the Public Utilities Code is*
30 *amended to read:*

31 21706. The division shall require that every project submitted
32 for funding from the Aeronautics Account in the State
33 Transportation Fund shall be consistent with the California
34 Aviation System Plan. Applications for funding shall be
35 processed in accordance with the procedures adopted by the
36 ~~commission for processing applications by local entities for~~
37 ~~projects included in the state transportation improvement~~
38 ~~program, to the extent those procedures may be applicable.~~ In
39 determining the priorities of projects, the division shall, and the
40 transportation planning agencies may, utilize the methodology

1 adopted by the commission for determining the priorities of
2 projects ~~listed in the aviation element of the state transportation~~
3 ~~improvement program~~ *that the commission selects for allocation*
4 *pursuant to Sections 21683 and 21638.2 and the procedures*
5 *adopted by the commission.*

6 SEC.3. Section 140.3 of the Streets and Highways Code is
7 amended to read:

8 140.3. (a) For the purposes of this section, the following
9 terms have the following meanings:

10 (1) (A) “Mobile equipment” means devices owned by the
11 department by which any person or property may be propelled,
12 moved, or drawn on or off highway and that are used for
13 employee transportation or material movement, or for
14 construction or maintenance work relating to transportation,
15 including, but not limited to, passenger vehicles, heavy duty
16 trucks, boats, trailers, motorized construction equipment, and
17 “slip-in” accessories or attachments that are used by more than
18 one functional unit.

19 (B) “Mobile equipment” does not include any of the
20 following:

21 (i) Office equipment, computers, and any other stationary,
22 nonmovable, and integral part of a transportation facility.

23 (ii) Passenger vehicles used to transport the public.

24 (iii) Aircraft or related aeronautics equipment.

25 (iv) Rolling stock used for intercity rail operations.

26 (2) “Mobile equipment services” includes, but is not limited
27 to, all of the following:

28 (A) Use of mobile equipment and services, including, but not
29 limited to, the purchase of new vehicles.

30 (B) Receiving, servicing, and equipping new mobile
31 equipment units.

32 (C) Assembling components into completed mobile equipment
33 units.

34 (D) Managing mobile equipment and services, including, but
35 not limited to, payment for fuel and insurance.

36 (E) Repairing, rehabilitating, and maintaining mobile
37 equipment.

38 (F) Disposing of used vehicles.

39 (3) “Mobile equipment services cost recovery” means
40 revenues from assessments charged to the department’s divisions

1 and programs for mobile equipment services, or revenues from
2 charges for equipment services provided to local transportation
3 authorities, including, but not limited to, cost recovery for all of
4 the following:

- 5 (A) Salaries and wages.
- 6 (B) Facility and inventory improvements.
- 7 (C) Capital outlay support projects.
- 8 (D) Overhead, depreciation, and operating expenses.

9 (b) The department, with the approval of the Department of
10 Finance, shall set rates for mobile equipment services. The
11 department shall review its rates on an annual basis and, upon
12 approval by the Department of Finance, shall publish a rate
13 schedule on or before April 30 of each year. The department
14 shall collect mobile equipment services cost recovery.

15 (c) The Equipment Service Fund is hereby created in the State
16 Treasury. Notwithstanding Section 13340, all money in the fund
17 is continuously appropriated to the department to pay for mobile
18 equipment services.

19 (d) The net proceeds from mobile equipment services cost
20 recovery shall be deposited in the fund. In addition, any moneys
21 appropriated to the department under the annual Budget Act, or
22 under any other act, for the use of existing mobile equipment or
23 for the purchase of that equipment, and any moneys transferred
24 to the department from any account within the State
25 Transportation Fund for those purposes, may be deposited in the
26 fund.

27 (e) If the ~~unencumbered~~ balance remaining in the fund at the
28 end of any fiscal year is ~~more than 25 percent of the total annual~~
29 ~~appropriation made to the fund under the most recent Budget~~
30 ~~Act~~, *exceeds the amount allowable for billed central services*
31 *under the Federal Office of Management and Budget Circular*
32 *A-87*, as determined by the department and the Department of
33 Finance, the ~~unencumbered~~ balance, less an amount equal to the
34 amount required to provide mobile equipment services for 60
35 days, shall be refunded to all programs that were assessed mobile
36 equipment service charges during that fiscal year.

37 *SEC. 4. Section 4601 of the Vehicle Code is amended to read:*

38 4601. (a) Except as otherwise provided in this code, every
39 vehicle registration and registration card expires at midnight on
40 the expiration date designated by the director pursuant to Section

1 1651.5, and shall be renewed prior to the expiration of the
2 registration year. The department may, upon payment of the
3 proper fees, renew the registration of vehicles.

4 (b) Notwithstanding any other provision of law, renewal of
5 registration for any vehicle—~~which~~ *that* is either currently
6 registered or for which a certification pursuant to Section 4604
7 has been filed may be obtained not more than ~~60~~ 75 days prior to
8 the expiration of the current registration or certification.

9 ~~1658. The department may pay membership fees, join, and~~
10 ~~participate in affairs of associations having for their purpose the~~
11 ~~interchange of information relating to the registration of vehicles~~
12 ~~and the issuance of drivers' licenses, financial responsibility, and~~
13 ~~subjects relating to highway safety and to the powers and duties~~
14 ~~of the department.~~